

DECLARATION OF DAVID A. BLAIR

I, David A. Blair, hereby make the following declaration with respect to the above-captioned matters:

1. I am the Chief of the Transformation Delivery Division, Office of Information Technology, U.S. Citizenship and Immigration Services (USCIS), Department of Homeland Security. As the Transformation Delivery Division Chief, I am responsible for overseeing the delivery of digital products and services via the Electronic Immigration System (ELIS). ELIS is a digital case processing platform designed to streamline and enhance USCIS's case management and processing operations a web-based IT solution that streamlines and enhances USCIS's case management and processing operations.

2. I have served as the Transformation Delivery Division Chief since 2017. I joined USCIS in 2012 as a Release Manager leading the end-to-end product delivery for ELIS.

3. I make the following declaration based on my personal knowledge and on information made available to me in the performance of my official duties as Transformation Delivery Division Chief.

4. On July 16, 2021, following the Court's injunction requiring DHS to cease approving any new DACA "applications" received by DHS and cease granting DACA to any new "applicants" not granted on or before the date of the order, but permitting DHS to continue accepting such initial DACA requests, USCIS sent guidance to DACA adjudicators to cease granting initial DACA requests and related work authorization requests, as well as to cease scheduling biometrics appointments for initial DACA requestors.

5. In the filing on July 27, 2021, USCIS identified nine cases that were erroneously approved, but that were subsequently reopened and are now pending adjudication. *Id.* In the September 21, 2021 filing, USCIS notified the Court of two additional cases that were erroneously approved, but were also subsequently reopened and placed in a pending status. ECF Nos. 588, 588-1. USCIS notified all of these requestors of the error and that the approvals were void at the time they were issued. *Id.*

6. Since USCIS's September 21, 2021 filing, USCIS recently identified two additional initial DACA requestors who were accidentally granted DACA as renewals, but which have since been reopened and are now on hold as pending initial DACA requests. These approvals were identified after discovering four pending renewal requests that were filed more than a year after the individual's prior period of DACA had expired, but which ELIS had not flagged as late filings to be converted to initial requests and held. These four late-filed requests were discovered prior to approval, but in investigating, the Office of Information Technology (OIT) discovered that the root causes were technical glitches in ELIS. Following identification of the glitch, Service Center Operations (SCOPS) investigated further to determine if any requests were erroneously approved as a result of the glitches and identified two such cases.

7. These two grants occurred because both requestors have alien numbers ("A-numbers") that were erroneously used by unrelated DACA requestors on their DACA requests in the past, resulting in those A-numbers being incorrectly associated with them for a period of time. Even though the unrelated individuals' A-numbers had been corrected and the DACA requestors' A-numbers disassociated from the unrelated individuals' accounts, the ELIS rule that checks for previous filings pulled data in each case from the time period when the wrong A-number was associated with the unrelated individuals. ELIS was therefore reading the DACA validity dates for the unrelated individuals who happened to have submitted the wrong A-numbers previously, and who also happened to have a previous DACA expiration date that would make those individuals eligible to submit a renewal request (i.e., less than a year after expiration). Therefore, these cases were not flagged as late-filed and continued to approval as renewal requests, rather than being converted to initial requests and held.

8. Upon identifying the two cases, USCIS reopened the requests so that they now remain pending in USCIS systems, and nullified the approvals. USCIS has notified the two requestors of the error and that the approvals were void at the time they were issued. This error did not impact the unrelated DACA recipients.

9. OIT corrected the technical issues that led to these errors and deployed fixes in ELIS on November 3, 2021. USCIS conducted a search to confirm that no additional accidental grants were made due to these technical issues.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 3rd day of December, 2021.

DAVID A BLAIR

Digitally signed by DAVID A BLAIR
Date: 2021.12.03 16:14:10 -05'00'

David A. Blair
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